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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,959	12/27/2006	Antonic Johannes Gelderblom	72998-012300	4582
Charles Berman Greenburg Traurig 2450 Colorado Avenue Suite 400E Santa Monica, CA 90404				
EXAMINER VU, MICHAEL T				
ART UNIT 2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/522,959

Applicant(s)GELDERBLOM, ANTONIE
JOHANNES**Examiner**

MICHAEL T. VU

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 6-13 have been considered but are moot in view of the new ground(s) of rejection presented below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vestergaard (US 2002/0068574) in view of Jiang (US 2002/0057678), and further in view of Rautila (US 6,631,183).

Regarding claim 1, Vestergaard teaches method for providing a mobile telephony application (protocol [0002-0004]) to a mobile communication device in communication with a first network (Figure #1, PLMN-A, Home Network), comprising the step of transferring information related to the mobile telephony application between the mobile phone (Figure #1, Phone #1) and a second network exchange (Figure #1, PLMN-B, Second/Visit Network), wherein the method comprises the further steps of:

But Vestergaard does not clearly teach retrieving data on information transfer mechanisms supported by the mobile communication device; retrieving data on

information transfer mechanisms supported by the first network; retrieving data on information, transfer mechanisms supported by the second network; selecting an information transfer mechanism supported by the mobile communication device, the first network and the second network; initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device and the second network exchange.

However, Jiang discloses a user of a wireless device initiates a communication session during which a wireless data session can be triggered from a voice session and a voice session can be triggered from a wireless data session. During the communication session, data is shared between the wireless data channel and the voice channel (See Abstract), and Jiang further teaches, in which includes retrieving data on information transfer mechanisms supported by the mobile communication device (See paragraphs [0086, 0134, 0151, 0205]); retrieving data on information transfer mechanisms supported by the first network (See paragraphs [0007, 0086, 0151, 0205, 0410-0411]); retrieving data on information, transfer mechanisms supported by the second network (See [0007, 0086, 0151, 0205, 0410-0411]); selecting an information transfer mechanism supported by the mobile communication device (See [0110-0413]), the first network and the second network (Figure #3, [0069-0072]); initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device and the second network exchange (See paragraphs [0008, 0067-0068, 0087-0088, 0286, 0299]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vestergaard, with Jiang's system, in order to increase the access network data and services anywhere using portable, and/or wireless devices such as wireless telephones, wireless mobile, wireless portable, and hand-held personal data assistants (PDAs) in different network environments.

But Vestergaard and Jiang do not explicitly teach wherein the information transfer mechanism comprises **one or more** of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service.

However, Rautila specifically teaches wherein the information transfer mechanism comprises **one or more** of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service (Col. 2, lines 9-57), and (Col. 3, lines 15-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vestergaard and Jiang, with Rautila's system, in order to forward calls in different services such as short message services to the users needs in various situations.

Regarding claim 2, Vestergaard, Jiang and Rautila teach method according to claim 1, in which the first and second networks are geographically separated (See paragraphs [0284-0286]) of Jiang.

Regarding claim 3, Vestergaard, Jiang and Rautila teach method according to claim 1, in which the first and second networks use different communication standards (See paragraphs [0003, 0011, 0067] of Jiang).

Regarding claim 4, Vestergaard, Jiang and Rautila teach method according to one of the claim 1, in which the information transfer mechanisms are prioritized ([0377, 0383] of Jiang), and the information transfer mechanism allowed by the mobile communication device, the first network and the second network having the highest priority is selected ([0377], **&priority=x** (where $x = 1, 2$ or 3 ; **1 is the most urgent**) of Jiang.

Regarding claim 6, Vestergaard, Jiang and Rautila teach method according to claim 1, in which the mobile telephony application is a call back application allowing establishment of a connection between the mobile communication device and a further mobile communication device by intervention of the second network exchange (See paragraphs [0083-0086, 0091-0092, 0137, 0260] of Jiang), in which the step of initializing comprises the steps of: a) transferring a request for call back (See paragraphs [0170, 0260, 0277] of Jiang), the number to be called associated with the further mobile communication device and the number of the mobile communication device to the second network exchange (See [0007-0067-0068, 0299] of Jiang); b) accepting the call from the second network exchange to establish the connection (See paragraphs [0007-0067-0068, 0299] of Jiang).

Regarding claim 7, The combination of Vestergaard, Jiang and Rautila teach method according to claim 6, in which the information transfer mechanism is DTMF

(See paragraphs [0011, 0066, 0072, 0083] of Jiang), and the step of transferring comprises the steps of: a1) sending a request for call back to the second network exchange (See paragraphs [0170, 0260, 0277] of Jiang); a2) after receiving a call back from the second network exchange (See paragraphs [0170, 0260, 0277] of Jiang), accepting the connection and transferring the number to be called to the second network exchange (6) using DTMF (See paragraphs [0011, 0066, 0072, 0083] of Jiang); a3) waiting for the connection' to be established by the second network exchange (See paragraphs [0007-0067-0068, 0299] of Jiang).

Regarding claim 8, The combination of Vestergaard, Jiang and Rautila teach method according to claim 6, in which the information transfer mechanism is USSD or SMS (See paragraphs [0011, 0066, 0072, 0083] of Jiang), and the step of transferring comprises the steps of: a1) sending the request for call back (See paragraphs [0170, 0260, 0277] of Jiang), the number to be called and the mobile communication device identification number to the second network exchange (See paragraphs [0011, 0066, 0072, 0083] of Jiang), in which at least the number to be called is comprised in a USSD message, or a SMS message (See paragraphs [0011, 0066, 0072, 0083] of Jiang), respectively; a2) waiting for the connection to be established by the second network exchange (See paragraphs [0007-0067-0068, 0299] of Jiang).

Regarding claim 9, Vestergaard, Jiang and Rautila teach method according to one of the claim 1, in which the method comprises the further step of detecting a start

event by checking **one or more** characteristics of a number entered on the mobile communication device (See paragraphs [0011, 0074-0078] of Jiang).

Regarding claim 10, Vestergaard, Jiang and Rautila teach method according to claim 9, in which the characteristics comprise the number of digits, **or** a special sequence of digits (See paragraphs [0011, 0074-0078] of Jiang).

Regarding claim 11, Vestergaard, Jiang and Rautila teach method mobile communication device comprising processing means and memory means connectable to the processing means, in which the processing means are arranged to execute the steps of the method according to claim 1 (See paragraphs [0008, 0067-0068, 0087-0088, 0286, 0299] of Jiang).

Regarding claim 12, Vestergaard, Jiang and Rautila teach method mobile communication device according to claim 11, in which the memory means comprise a SIM card, (see Figure #2, SIM Card #12 and #13) of Vestergaard.

Regarding claim 13, Vestergaard, Jiang and Rautila teach SIM card comprising a software application, which, when inserted into a mobile communication device, provides the mobile communication device with the functionality of the methods according to one of the claim 1, [0001-0004] of Vestergaard.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Vu/
Examiner
AU-2617

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